

CERTAIN RELATIVES OF UNITED STATES CITIZENS

JANUARY 18, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FEIGHAN, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. J. Res. 457]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 457) for the relief of certain relatives of United States citizens, having considered the same, report favorably thereon with amendment and recommend that the joint resolution do pass.

The amendments are as follows:

On page 2, line 5, strike out the name "Olive Byers,".

On page 2, line 10, strike out the name "Christa E. Holder,".

On page 2, line 15, after the name "Manos," insert the name "Rudolfo Marmaioli,".

On page 2, line 21, after the name "Ruschak," insert the name "Settina F. Serra,".

On page 3, at the end of the bill, add new sections 2 and 3, to read as follows:

SEC. 2. For the purposes of the Immigration and Nationality Act, Christa E. Holder shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

SEC. 3. For the purposes of the Immigration and Nationality Act, Olive Byers shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem

necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

PURPOSE OF THE JOINT RESOLUTION

The purpose of section 1 of the joint resolution, as amended, is to waive an excluding clause of the immigration laws, concerning the inadmissibility of aliens who are afflicted with tuberculosis, in behalf of 70 spouses or children of United States citizens. The purpose of sections 2 and 3 of the joint resolution is to grant the status of permanent residence in the United States to the widow and wife, respectively, of citizens of the United States.

PURPOSE OF THE AMENDMENTS

The first two amendments are for the purpose of deleting the names of Olive Byers and Christa E. Holder from section 1 of the joint resolution, since they have been made the subjects of sections 3 and 2, respectively, of the joint resolution, as amended.

The second two amendments are for the purpose of adding two names which were submitted to the Committee by the Director of the Visa Office, Department of State, after the introduction of House Joint Resolution 457.

HISTORY

During the latter part of the 83d Congress, and early in the 84th Congress, representatives of the Department of State and members of Subcommittee No. 1 of this committee informally discussed the problem of alien spouses and children of United States citizens who are inadmissible to the United States because of affliction with tuberculosis. As a result of those discussions, it was decided that the Department of State should submit full and complete documentation regarding each case in which they recommended that legislation be enacted in order to avoid the separation of United States citizens from their families.

Prior to approving similar legislation (Private Law 242, 84th Cong., 1st sess.) the committee asked the Department of Health, Education, and Welfare to submit a report on the problem of the admission of relatives of United States citizens who were afflicted with tuberculosis. That report was a part of House Report No. 702, 84th Congress, and it is reprinted below.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 4, 1955.

HON. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
House Committee on the Judiciary.

DEAR MR. CHAIRMAN: This is in response to the recent requests of your committee for a report on H. R. 879, H. R. 914, H. R. 1087, H. R. 1092, H. R. 1098, H. R. 1167, H. R. 1391, H. R. 1938, H. R. 2042, H. R. 2253, H. R. 2475, H. R. 2491, H. R. 2530, H. R. 2786, H. R. 3028, H. R. 3029, H. R. 3052, H. R. 3061, H. R. 3191, H. R. 3345, H. R. 3620, H. R. 3536, H. R. 3838, H. R. 4154, H. R. 4593, and H. R. 4469, private relief bills, which would waive the exclusion clause contained in section 212 (a) (6) of the Immigration and Nationality Act prohibiting the admission of aliens afflicted with certain diseases. We understand that the disease involved in the cases covered by these bills is tuberculosis.

The committee is, we understand, concerned with the public health hazard, if any, which would be involved in the enactment of these and similar private

relief bills. Our comments on these bills therefore are confined to their public health aspects.

Medical officers of the Public Health Service examine visa applicants at the major consulates in Europe to determine from a medical standpoint, the eligibility of the alien to receive a visa to migrate to the United States. These medical examinations, while sufficiently extensive to ascertain the presence of excludable diseases or conditions, among which is tuberculosis, are not sufficiently detailed to reveal the degree of infectiousness or the extent to which a person may constitute a hazard within a community.

It is difficult, if not impossible, because of indeterminate factors, to appraise accurately the health hazard involved in permitting persons suffering from tuberculosis to settle in a particular community. The Public Health Service can, however, recommend on the basis of medical knowledge provisions for continued medical observation and care of such persons so as to minimize or preclude the danger of the spread of the disease.

In the case of aliens afflicted with tuberculosis and entering the United States by special arrangement, a period of hospitalization should be required to permit a complete study and evaluation of each case. Although the necessary period of hospitalization may vary from case to case, a minimum period of 3 months should be required to enable the hospital authorities to determine whether the particular alien should be hospitalized for inpatient treatment, discharged, or discharged to outpatient care under adequate precautions and supervision to protect the public health.

As cases of active tuberculosis are of concern to local health departments and are required to be reported, notification should be made to the directors of the respective State health departments of any such aliens with active tuberculosis residing in their communities.

Should these bills be given favorable consideration by your committee, we would suggest that the admission of these aliens be made subject to such terms and conditions with respect to care, hospitalization, and maintenance as the Attorney General may prescribe after consultation with the Surgeon General of the United States Public Health Service. This recommendation would, we believe, provide for a maximum of administrative flexibility in establishing adequate public-health safeguards to minimize the risk, or degree of risk, of contagion involved in each individual case.

Sincerely yours,

ROSWELL B. PERKINS,
Assistant Secretary.

GENERAL INFORMATION

There are 72 names listed in this resolution and complete documentation in each case was submitted to the Committee on the Judiciary by the Director of the Visa Office, Department of State. Those files are in the custody of the Committee on the Judiciary and are available for inspection by Members of the House of Representatives.

This resolution waives the provision of section 212 (a) (6) of the Immigration and Nationality Act in behalf of 70 persons and provides for their admission to the United States if they are found to be otherwise admissible under that act "under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose." The bill also provides that a bond be posted in behalf of each alien as surety that he will never become a public charge. Each of the persons listed in section 1 of the resolution is the spouse or child of a citizen of the United States.

Christa E. Holder, the subject of section 2 of the resolution, is a widow of a citizen of the United States, and the resolution has been amended to grant her permanent residence in the United States. The need for that action is explained in the following letter from Representative Frelinghuysen to the chairman of Subcommittee No. 1, Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 11, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN WALTER: On January 5 I introduced H. R. 8190, for the relief of Christa E. Holder, who is the widow of Frank J. Holder, Jr., a resident of Iselin, N. J. The beneficiary of H. R. 8190, has also been included in House Joint Resolution 457 which was introduced on January 3.

The Holders were married in Germany in June 1954, but Christa was not permitted to come to the United States because of a dormant tuberculosis condition. Mr. Holder was injured on December 18 at the Cornell-Dubilier Corp. plant in South Plainfield where he was employed and arrangements were made to permit Mrs. Holder and her daughter to come to the United States to see him. Mr. Holder died on December 30 while Mrs. Holder was en route to the United States. Mrs. Holder is residing with her husband's parents, Mr. and Mrs. Frank Holder at 136 Dow Avenue, Iselin, N. J.

Since Mrs. Holder is in the United States on a 90-day temporary visa I introduced H. R. 8190 which I hope will be favorably enacted and permit Mrs. Holder and her daughter to remain in this country.

Any consideration which you may be able to extend in behalf of this legislation will be appreciated.

Sincerely yours,

PETER FRELINGHUYSEN, Jr., M. C.

Representative Van Zandt has advised the committee that Mrs. Olive Byers, the wife of a citizen of the United States, has now been admitted to the United States temporarily, and the resolution has been amended by adding section 3 to grant her permanent residence in the United States.

The committee believes that the language of this joint resolution provides the necessary assurance that each beneficiary will submit to treatment for tuberculosis as long as such treatment is necessary, and that it provides for ample health safeguards as suggested by the Department of Health, Education, and Welfare as suggested in the above-quoted report.

Upon consideration of all the facts in each case included in this legislation, the committee is of the opinion that House Joint Resolution 457, as amended, should be enacted and accordingly recommend that it do pass.

